IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.4666 OF 2005

Sangli Miraj Kupwad Cities Municipal Corporation, Sangli and another).. Petitioners

Versus

Mahapalika Kamgar Sabha).. Respondent

Mr.N.V.Walawalkar for the Petitioners.

Mr.S.M.Dharap with Mr.Helekar for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 21ST JULY 2005

P.C.:

. Leave to amend.

2. This Petition is directed against the order dated 4th April 2005 passed below Exhibit U-13 in Reference (IT) No.6 of 1996 by the Industrial Tribunal, Sangli. According to the Petitioners, the Reference was made between the Miraj Municipal Council and the Miraj Kamgar Union. However, the Miraj Municipal Council is now functioning as a Municipal Corporation and, therefore, according to the learned Counsel appearing for the Petitioners, some of the demands which have been referred may not be applicable and cannot be decided by the Tribunal. He submits that, for instance, Demand No.8 is

in respect of the permanency of workmen. The Corporation will now have to decide the seniority based on all employees and not just of Miraj Municipal Council. The Corporation is made up of several Municipal Councils and, therefore, seniority of all the employees will have to be determined.

3. This submission of the learned Counsel for the Petitioners cannot be accepted. Permanency is a dispute which is between those specific employees and the Council which is now functioning as a Municipal Corporation. After these workmen are made permanent, it is always open for the Corporation to decide the inter-se seniority of all the workmen including that of other Municipal Councils who are now their employees.

4. The other submission made on behalf of the Petitioners is that the Tribunal cannot decide the Reference in view of the new Corporation coming into existence by the merger of three Municipal Councils. It is submitted that the scope of the Reference is enlarged by incorporating the Petitioners as a party to the Reference. The Industrial Tribunal has considered the provisions of the Bombay Provincial Municipal Corporations Act, 1949 and has rightly not accepted this submission of the Petitioners. Hence, Writ Petition rejected.